

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CARL LEE HUFF,

Plaintiff,

v.

Civil Action No. 3:15CV661

EDDIE PEARSON, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on December 22, 2015, the Court directed Carl Lee Huff to pay an initial partial filing fee of \$.15 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. See 28 U.S.C. § 1915(b)(1). Because Huff had neither paid the initial partial filing fee nor averred that he could not pay such a fee, by Memorandum Opinion and Order entered on January 26, 2016, the Court dismissed the action without prejudice.

On January 29, 2016, the Court received a letter from Huff which is dated January 11, 2016 ("January 11 Letter," ECF No. 1). In the January 11, 2016 Letter, Huff explains that he attempted to send the initial partial filing fee to the Court, but he did not have enough funds in his account to cover the cost of the filing fee and the fee for the money order. The Court will treat the January 11, 2016 Letter as a motion for

relief under Federal Rule of Civil Procedure 59(e). Because it appears Huff was diligently attempting to comply with the December 22, 2015 Memorandum Order, the Court will vacate the January 26, 2016 Memorandum Opinion and Order (ECF Nos. 9-10.) The Court will continue to process the action.

The Clerk is directed to send a copy of the Memorandum Opinion to Huff.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: February 25, 2016
Richmond, Virginia